



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Staimer, et al.

Group Art Unit: Unknown

App. No. : 10/785376

Filed : February 23, 2004

For : CHROMATOGRAPHIC
ANALYSIS ON OPTICAL BIO-
DISCS AND METHODS
RELATING THERETO

Examiner : Unknown

PETITION FOR ENTITLEMENT TO PRIORITY DATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP: Office of Petitions

Dear Sir:

In view of the below enumerated facts, Applicant hereby petitions for entitlement to the priority date of the provisional application on which the above-cited application is based.

- 1) Provisional Application No. 60/449,192 ("the '192 application") was filed on February 21, 2003, and included drawings labeled Figure 1-22C.
- 2) On February 23, 2004, which was the Monday following the one year anniversary of the filing date for the above-cited provisional application, Application No. 10/785,376 was filed, including an incorporation by reference clause in both the specification and the application transmittal documents. The incorporation by reference, in both locations, states: "This application claims priority to U.S. Provisional Application No. 60/449,192, filed February 21, 2003, which is hereby incorporated by reference in its entirety, including Figures 1-22C."
- 3) On July 21, 2004, a Notice of Incomplete Nonprovisional Application was mailed from the Patent Office, indicating that the application was not accorded the priority date of the above-

09/21/2004 SSITHIB1 00000052 10785376
05 FC:1460 130.00 OP

Repln. Ref: 03/13/2006 CKHLOK 0008264000
DA#111410 Name/Number:10785376
FC: 9204 \$130.00 CR

Adjustment date: 03/13/2006 CKHLOK
09/21/2004 SSITHIB1 00000052 10785376
05 FC:1460 -130.00 OP

Appl. No. : 10/785,376

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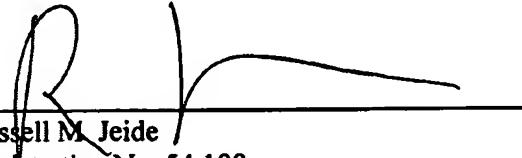
cited provisional application because the non-provisional application was filed without drawings.

- 4) Applicants request that, in view of the specific incorporation by reference of Figures 1-22C of the above-cited provisional application, Figures 1-22C now be moved into the present application and that the priority date of the present application be changed to the filing date of the priority application, *i.e.*, February 21, 2003.
- 5) Payment of petition fee is enclosed in the amount of \$130. Please charge Deposit Account No. 11-1410 for any fee deficiency.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9/17/04

By: 

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REQUEST FOR PATENT FEE REFUND

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SIGNATURE: <u>Derek L. Woods</u>		PHONE: <u>2-3232</u>							
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